



Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 51 of the Private Housing (Tenancies) (Scotland) Act 2016

Chamber Ref: FTS/HPC/EV/25/4263

Re: Property at 11 Acorn Place, Portlethen, Aberdeenshire, AB12 4XG (“the Property”)

Parties:

Ms Judith Gray, Mr Barry Gray, 4 Lafferty Place, Denny, Stirlingshire, FK6 5BL; 25 6 Gorse Crescent, Bridge of Weir, Renfrewshire, PA11 3LX (“the Applicants”)

Mr Cameron Smith, 11 Acorn Place, Portlethen, Aberdeenshire, AB12 4XG (“the Respondent”)

Tribunal Members:

Ms H Forbes (Legal Member) and Mr G Darroch (Ordinary Member)

Decision

The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the Tribunal”) determined that an eviction order should be granted.

Background

1. This is a Rule 109 application whereby the Applicants are seeking an eviction order under ground 12. The Applicants’ representative lodged a copy of a private residential tenancy agreement between the parties in respect of the Property, which tenancy commenced on 21st December 2023 at a monthly rent of £450, a notice to leave with evidence of service, a section 11 notice with evidence of service, pre-action requirement correspondence, and a rent statement.
2. Service of the application and notification of a Case Management Discussion was made upon the Respondent by Sheriff Officer on 9th February 2026.
3. By email dated 23rd February 2026, the Applicants’ representative lodged an updated rent statement to 9th March 2026 showing arrears in the sum of £6000.

The Case Management Discussion

4. A Case Management Discussion (“CMD”) took place by telephone conference on 9th March 2026. Mr Barr was in attendance on behalf of the Applicants. The Respondent was in attendance.
5. The Respondent confirmed that he was not opposing the order as he has secured private rented accommodation and intends to vacate the Property by 30th April 2026. The Respondent asked that execution of the eviction order be delayed to 30th April 2026.
6. Mr Barr said the Property is the only property which the Applicants let. The Respondent has been in rent arrears since before the current letting agent took over in or around October 2024, and the arrears are currently £6000. There has been a lot of communication with the Respondent to try to address the situation. The Respondent has not always been easy to get in touch with. The Applicants have found the situation very stressful and now wish to sell the Property. The Applicants both have mortgages on their own properties.
7. The Respondent said he is about to come into some money and intends to pay the arrears. He has been paying his rent for some months and has paid each month towards the arrears. Responding to questions from the Tribunal, the Respondent said he lives alone. The Respondent said he has suffered some ill-health and is receiving treatment. The Respondent said he got into rent arrears when he was made redundant. He is now in employment.

Findings in Fact and Law

8.
 - (i) Parties entered into a private residential tenancy agreement in respect of the Property which commenced on 21st December 2023 at a monthly rent of £450, which was later increased to £550.
 - (ii) The Applicants have served a Notice to Leave upon the Respondent.
 - (iii) The Respondent has accrued rent arrears.
 - (iv) The Respondent has been in rent arrears for three or more consecutive months.
 - (v) The Respondent being in rent arrears is not as a result of a delay or failure in the payment of a relevant benefit.
 - (vi) The Applicants have complied with the pre-action protocol.

- (vii) It is reasonable to grant an eviction order.

Reasons for Decision

9. Ground 12 of Schedule 3 of the Act provides that it is an eviction ground if the tenant has been in rent arrears for three or more consecutive months. The Tribunal may find that this applies if for three or more consecutive months the tenant has been in rent arrears and the Tribunal is satisfied that it is reasonable on account of that fact to issue an eviction order. The Tribunal is satisfied that Ground 12 has been established.
10. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider whether the tenant's being in arrears of rent over that period is wholly or partly a consequence of a delay or failure in the payment of a relevant benefit. There was no evidence before the Tribunal that the Respondent was in rent arrears as a result of a delay or failure in the payment of a relevant benefit.
11. In deciding whether it is reasonable to issue an eviction order, the Tribunal is to consider the extent to which the landlord has complied with the pre-action protocol prescribed by the Scottish Ministers in regulations. The Tribunal was satisfied on the evidence before it that the Applicants' representative has complied with the pre-action protocol by sending emails and letters to the Respondent.
12. In considering whether it was reasonable to grant the eviction order, the Tribunal considered the circumstances of both parties.
13. The Respondent has allowed arrears to accumulate. The arrears are fairly substantial and have persisted for a significant time. The Respondent has secured private rented housing and does not wish to oppose the order.
14. The Applicants are suffering financially and personally as a result of the Respondent's failure to pay the rent.
15. In all the circumstances, the Tribunal considered it was reasonable to grant the order sought.
16. The Tribunal considered it was reasonable to delay execution of the order to 30th April 2026, as that is the date the Respondent will move to his new tenancy.

Decision

17. An eviction order in respect of the Property is granted. The order is not to be executed prior to 12 noon on 30th April 2026.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

H Forbes

9th March 2026

Legal Member/Chair